

GAHC040018412025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/524/2025

Niglar Veo

son of Shri Kajop Veo, a permanent resident of Veo Village, PO and PS Chayang Tajo, East Kameng District, Arunachal Pradesh and proprietor of M/s Ane Yapung Enterprises, having its registered office at Veo Village, PO and PS Chayang Tajo, East Kameng District, Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
represented by the Secretary, Land Management, Rural Development Department,
Govt of Arunachal Pradesh, Itanagar. 2:The Director (RE)

Age: 0

Occupation :

rural Development Department
Govt of Arunachal Pradesh
Itanagar.

3:The Joint Director (RE)

Age: 0

Occupation :

Rural Development Department
Govt of Arunachal Pradesh
Itanagar.

4:The Deputy Director (RD)

Age: 0

Occupation :

Rural Development Department
Seppa
East Kameng District
Arunachal Pradesh.

5:The Tender Scrutiny Board

Age: 0
Occupation :
through its Chairman cum ADC
Seppa (HQ)
East Kameng District
Arunachal Pradesh.

6:M/s M B Enterprises
Age: 0
Occupation :
represented by its proprietor Shri Moik Bagang
Son of Late Nikam Bagang
Wada Bagang Village
PO and PS Chayang Tajo
East Kameng District
Arunachal Pradesh. 79010

Advocate for the Petitioner : T T Tara, Pondit Ronya,Kirmani Lollen,Y Mugli,Terji Kamchi,Taba Tokur,Khoda Apa,Gamken Bam

Advocate for the Respondent : Binter Picha,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 13.11.2025

Heard Mr. T. T. Tara, learned counsel for the petitioner as well as Mr. B. Picha, learned Standing Counsel for the Rural Development Department, representing respondents No.1 to 5.

2. Initially, the writ petition was filed, the same was presented by M/s Ane Yapung Enterprises, represented by its proprietor. However, a preliminary objection regarding the maintainability of the petition was raised, pursuant to which, vide order dated 11.11.2025, substitution of the petitioner was directed. Accordingly, the cause title has been amended, which is reflected at page No. 5 of the petition.

3. In brief, the case of the petitioner is that the petitioner, through its proprietary firm, had submitted a bid in respect of NIT No. DRD/SPA/MNGREGA/NIT-01/2025-26 dated 24.09.2025. However, the bid of the petitioner was rejected during the technical evaluation as per the Minutes of the Board Proceedings held on 06.10.2025, on the ground that the petitioner's firm did not fulfil the conditions mentioned at Sl. No. 22 of the checklist mentioned in the said minutes, resulting in the rejection of the petitioner's bid.

4. Apart from alleging fraud in the bids submitted by the other two bidders, the learned counsel for the petitioner has submitted that the point referred to at Sl. No. 22 of the checklist does not have any corresponding clause in the bid documents and it is submitted that his bid has been rejected on the ground which was not known to the petitioner. Accordingly, it is submitted that the rules of the game were changed after the game was played. Accordingly, the rejection of the bid of the petitioner during the technical evaluation is under challenge in this writ petition filed under Article 226 of the Constitution of India.

5. Per contra, the learned Standing Counsel for the Rural Development Department submits that another Pre-Bid Meeting was convened on 06.10.2025 at 1100 hours in the office chamber of the Deputy Director, Rural Development, Seppa, wherein the checklist prepared, wherein the Minutes of the Pre-Bid Meeting held on 03.10.2025 was adopted. Accordingly, the learned Standing Counsel for the RD Department has submitted that the checklist was framed based on the decisions taken in the Pre-Bid Meeting held on 03.10.2025, and that clause 22 of the checklist was inserted in accordance with the consensus arrived at during the said meeting.

6. Accordingly, it is submitted that the petitioner was aware of the checklist and therefore, the bid submitted by the petitioner ought to have been in

compliance with row No. 22 of the checklist. It is submitted that having not done so, the rejection of technical bid of the petitioner is justified.

7. It is not in dispute that the learned Standing Counsel has not disputed to the fact that the tender documents do not contain any clause corresponding to the requirement at Sl. No. 22 of the checklist, which contains a description of documents requiring whether the bidders have submitted affidavit not blacklisted by any department (yes/no). Therefore, the only issue is as to whether the petitioner had any intimation regarding the checklist as prepared pursuant to the decision taken in the Minutes of the Board Proceedings for the technical bid held on 03.10.2025, as well as the Minutes of the Pre-Bid Meeting held on 06.10.2025.

8. In the copy of the Minutes of the Pre-Bid Meeting held on 03.10.2025, produced by the learned Standing Counsel for the Rural Development Department. The said two pages document contains only the signatures of the officials and does not show the presence of any bidders. The second Pre-Bid Meeting was convened on 06.10.2025, and the bid was opened on the same date. Accordingly, it would mean and can be presumed that the bids were submitted on or before 11.00 am (1100 hours) on 06.10.2025.

9. As per the Notice Inviting Tender issued on 24.09.2025, the last date for submission of bids was up to 1100 hours on 06.10.2025. Therefore, it is projected that the second Pre-Bid Meeting prepared at 1100 hours has to be read as if the second Pre-Bid Meeting was held after the last time for submission of the tender. As stated above, even in that document, the presence of none of the other three bidders, including the petitioner was recorded, and the said document contains only the signatures of the official authorities.

10. Accordingly, it *prima facie* appears that a criteria which was not disclosed in the bid documents has been applied in the present case.

11. At this stage, the learned Standing Counsel has opposed the prayer for any interim relief on the ground that the work in question is long overdue and that, if the work is not commenced, it is the public who would suffer. Accordingly, he refers to the case of *National High Speed Rail Corporation v. Montecarlo Limited*, (2022) 6 SCC 401, to submit that in the event any interim order is passed, the petitioner should be put to risk in costs. Nonetheless, he also opposes the prayer for interim relief.

12. The issue only relates to whether the petitioner was put to notice of the clauses appearing in the checklist at Sl. No. 22. Though the authorities in the Rural Development Department are relying on the Minutes of the Pre-Bid Meeting held on 03.10.2025 by projecting as if the petitioner was present in the said meeting, whereas the document does not reflect so and accordingly, the Court is of the *prima facie* view that the invocation of the clause corresponding to Sl. No. 22 of checklist is beyond the scope of the bid documents. Accordingly, the Court is inclined to suspend the operation of the Minutes of the Board Proceedings dated 06.10.2025, by which the technical bid of the petitioner was rejected during technical evaluation.

13. In view of the nature of the instructions produced, which does not show the presence of the petitioner in the Pre-Bid Meetings held on 03.10.2025 and 06.11.2025, or that he was served with any notice to be present at the Pre-Bid Meeting. At this stage, the Court is disinclined to require the petitioner to make a pre-deposit of money against risk and cost.

14. Nonetheless, notice is issued to the petitioner as to why he should not be

ordered to make a pre-deposit before the Court against risk and cost, which may occur due to cost overrun on account of the delay in the execution of works and why appropriate security should not be directed to be furnished in terms of the order that would be passed on the next date of listing.

15. As the State has expressed urgency in the matter, list the matter in the Admission Column on **03.12.2025.**

JUDGE

Comparing Assistant